

**SUPPLEMENTARY INFORMATION:****Background**

The Department has received a request, in accordance with 19 CFR 353.22(h) (1995), for a new shipper review of an antidumping duty order with a May anniversary date.

**Initiation of Review**

In accordance with 19 CFR 353.22(h), we are initiating a new shipper review of the antidumping duty order on ball bearings (other than tapered roller bearings) and parts thereof (ball bearings) from Germany. If this review proceeds normally, we will issue the final results of review not later than March 31, 1996.

Antidumping duty proceeding	Period to be reviewed
GERMANY: Ball Bearings A-428-801 Miniaturkugellager GmbH (MKL) .....	12/01/94-05/31/95

We will instruct the Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise in accordance with 19 CFR 353.22(h)(4) (1995).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

This initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(h).

Dated: June 14, 1995.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Compliance.*

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**National Oceanic and Atmospheric Administration**

[Docket No. 950616159-5159-01; I.D. 061695C]

RIN 0648-ZA16

**The Fishing Capacity Reduction Demonstration Program (FCRDP); Funding Availability**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of Federal assistance.

**SUMMARY:** NMFS issues this notice describing the FCRDP and how NMFS

will review and select applications for funding. The FCRDP is a \$2 million demonstration program to provide grants to the owners of fishing vessels participating in the Northeast multispecies limited access groundfish fishery, who are willing to scrap their vessels and surrender associated Federal fish harvesting permits.

**DATES:** Applications must be postmarked by September 5, 1995.

**ADDRESSES:** Applications should be sent to the Northeast Financial Services Branch, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930-2298.

**FOR FURTHER INFORMATION CONTACT:** Leo Erwin, NMFS at (508) 281-9203.

**SUPPLEMENTARY INFORMATION:****I. Background**

Under the provisions of Public Law 103-211, the Emergency Supplemental Appropriations Act of 1994, \$30 million has been provided to the U.S. Department of Commerce (DOC) for the Northeast Fisheries Assistance Program to address the needs of those directly affected by the decline of traditional fisheries in the Northeast. Of that total amount, \$2 million is being made available for the FCRDP to pilot test an approach for permanently reducing the fishing capacity in the Northeast multispecies groundfish fishery. NMFS is conducting the FCRDP under authority contained in 15 U.S.C. 713c-3(d).

The goal of the FCRDP is to demonstrate that a vessel removal program can be successfully designed and implemented and that such a program can be an effective tool in the conservation and management of U.S. fisheries. The FCRDP is a voluntary program which is intended to target full-time groundfish vessels. Consequently, only permit holders of the following types of permits under the Northeast Multispecies Fishery Management Plan are eligible: Multispecies limited access individual days-at-sea (DAS), fleet das or multispecies limited access gillnet vessel (categories I, II, or VI). A successful applicant will have to scrap the offered vessel and surrender all Federal fishing permits associated with that vessel.

**II. How to Apply****A. Eligible Applicants**

Applications for FCRDP grants can only be made by owners of eligible fishing vessels, in accordance with the procedures set forth in this notice. An owner may be an individual who is a citizen or national of the United States,

or a citizen of the Northern Mariana Islands, or a corporation, partnership, association or other entity (non profit or otherwise) if such entity is a citizen within the meaning of section 802 of the Shipping Act, 1916, as amended (46 U.S.C. App. 802). Federal Government agencies or employees, including full-time, part-time, and intermittent personnel (or their spouses or blood relatives who are members of their immediate households), are not eligible to submit an application under this solicitation.

For a vessel to be eligible for FCRDP, it must meet the following conditions:

1. Have a valid Multispecies limited access individual DAS, fleet DAS or limited access gillnet fishing permit. Vessel owners will be required to surrender such permits along with ALL other Federal fishing permits issued to that vessel if awarded a grant under the FCRDP.

2. Be active and functioning at the time the vessel owner submits an application, which means that a vessel must be capable of fishing for groundfish in Federal waters under its own power. Successful applicants will be required to show proof that their vessel made at least 2 fishing trips (of any duration for any species) between March 1, 1995, and May 1, 1995.

3. Have derived 65 percent or more of its gross annual revenues from groundfish regulated under the multispecies plan in 3 of the last 4 years. This means that in 1991, 1992, 1993, and 1994 successful applicants must be able to prove that 65 percent or more of the gross revenues (for the vessel involved) in 3 of those years was from the sale of regulated groundfish. Under the Northeast Multispecies Fishery Management Plan, the regulated groundfish species are: Cod, haddock, pollock, yellowtail flounder, winter flounder, gray sole, American plaice, Windowpane flounder, white hake, and redfish.

**B. Submission of Applications**

Vessel owners must fill out an FCRDP application form in order to apply. Proof of eligibility need not be submitted with this application. However, applicants preliminarily accepted by NMFS for funding will be expected to provide such documentation upon request. Applicants must submit one signed original and two copies of their completed applications. No facsimile applications will be accepted. Proof of receipt may be obtained by sending an application by certified mail, return receipt requested. The anticipated time required to process applications is 90

days from the closing date of this solicitation.

All Federal NE Multi-species limited access individual DAS, fleet DAS and gillnet vessel fishing permit holders will be mailed a copy of the application form along with a copy of this **Federal Register** notice. Applications will also be made available at the NMFS offices identified below:

Fishing Family Assistance Center,  
National Marine Fisheries Service,  
Federal Building, Room 200, 21  
Limerock Street, Rockland, ME 04841;  
Tel: 207-594-2267.

Fishing Family Assistance Center,  
National Marine Fisheries Service,  
Marine Trades Center, Suite 311, 2  
Portland Fish Pier, Portland, ME 04101;  
Tel: 207-780-3423.

Fishing Family Assistance Center,  
National Marine Fisheries Service,  
Department of Employment and  
Training, 11-15 Parker Street,  
Gloucester, MA 01930; Tel: 508-283-  
2863.

Fishing Family Assistance Center,  
National Marine Fisheries Service, 15-  
A Market Place, Chatham, MA 02633;  
Tel: 508-945-5492.

Fishing Family Assistance Center,  
National Marine Fisheries Service,  
Greater New Bedford Reemployment  
Career Services, 693 Purchase Street,  
New Bedford, MA 02740; Tel: 508-979-  
1750.

Fishing Family Assistance Center,  
National Marine Fisheries Service, 118  
Point Judith Road, Narragansett, RI  
02882; Tel: 401-782-8640.

### III. Application Review and Scoring

All timely submitted and completed applications will be assigned a score calculated by the following method:

#### STEP A. Identify Bid

The bid is the dollar amount submitted by the applicant in the application.

#### STEP B. Calculate Vessel Performance

Vessel performance will be determined by averaging the annual gross revenues from the sale of regulated groundfish species for the highest 3 of the last 4 years (1991, 1992, 1993, 1994). Applicants may use annual regulated groundfish revenues from any 3 years between 1991-94.

#### STEP C. Determine Vessel Score

Vessel scores will be determined using the following formula:

$$\text{Score} = \frac{\text{Bid}}{\text{Average Annual Revenues}} \times 100$$

(average annual revenues from regulated groundfish species of highest 3 of last 4 years)

Only those years in which an applicant can prove 65 percent or more of a vessel's gross revenue was from the sale of regulated groundfish may be used. Provided below are three examples of how vessels will be scored using the formula described above.

#### Example 1

The owner of vessel A submits a bid for \$200,000. The average annual revenues for the best 3 out of 4 years (1991, 1992, 1993, 1994) were \$225,000.

Step A. Bid=\$200,000.

Step B. Ave. Rev.=\$200,000+\$225,000+  
\$250,000÷3=\$225,000

Step C. Score=\$200,000/\$225,000=.888

The score for vessel A is .888

#### Example 2

The owner of vessel B submits the same bid as vessel A (\$200,000). However, the average annual revenues for vessel B are \$283,333.

Step A. Bid=\$200,000

Step B. Ave. Rev.=\$200,000+\$300,000+  
\$350,000÷3=\$283,333.

Step C. Score=\$200,000/\$283,333=.705

The score for vessel B is .705.

#### Example 3

The owner of vessel C submits a bid in the amount of \$350,000. The average annual revenues are \$600,000.

Step A. Bid=\$350,000

Step B. Ave. Rev.=\$500,000+\$600,000+  
\$700,000÷3=\$600,000

Step C. Score=\$350,000/\$600,000=.583

The score for vessel C is .583.

Even though the bid for vessel C is higher than that of vessels A and B, vessel C scored lower because of its performance. Consequently, vessel C would be selected over vessel A or B and vessel B would be selected before vessel A.

Determining a bid amount is extremely important, since this will be a key factor in the success of an applicant. If the bid is too high in relation to the vessel's groundfish production, the bid may not be competitive. However, an applicant should carefully consider all costs involved with receiving a FCRDP grant. These costs include satisfying vessel liens and vessel scrapping costs. However, Federal assistance funds cannot be used to pay a Federal debt. Applicants may wish to consider selling vessel gear and equipment separately as a way of reducing the amount of a bid because only the vessel hull needs to be scrapped. Vessel owners may retain removable gear and equipment for private disposition. An applicant also needs to consider all tax implications. Applicants are advised to consult with their attorneys and/or accountants.

### IV. Ranking and Acceptance of Applications

Applications will be ranked, starting with the lowest score. NMFS will determine which applications will be accepted for further consideration based on the ranking of the applications. NMFS reserves the right to reject any or all applications and may solicit additional applications under a separate **Federal Register** notice if an insufficient number of acceptable applications are submitted that can meet all award requirements described in this notice. If additional applications are solicited, all applications submitted previously and not accepted will be considered rejected.

NMFS will notify accepted applicants in writing and make public the names of accepted applicants and their vessels, not the amount of their bids. However, accepted applicants are not guaranteed funding by simply being accepted. Accepted applicants will be subject to a thorough investigation described in section V. NMFS may initially accept more applications than it can fund. However, NMFS will investigate accepted applications in order of their ranking.

### VI. Investigation of Accepted Applications

A representative from the NMFS Financial Services Division will contact accepted applicants with regard to the following:

1. Ensuring that applicants meet all eligibility requirements and can document all claims made in their applications,
2. Determining what debts exist against the vessel offered for scrapping in the application, and
3. Determining how applicants will satisfy all vessel liens before scrapping vessels. Accepted applicants will have to provide written evidence of vessel lienors' willingness to satisfy vessel liens for specific amounts.

Documentation required to support accepted applications includes the following:

1. Federal multi-species limited access individual DAS, fleet DAS or gillnet vessel fishing permit. The applicant may provide a copy of the permit to NMFS, but the actual permit must be surrendered at the time of grant award closing.
2. Proof of Landings. NMFS will require proof that 65 percent or more of a vessel's gross revenues came from the sale of regulated groundfish species in 3 of the last 4 years (1991, 1992, 1993, and 1994). Landing slips or sales tickets may be used to verify claimed revenues.

3. Proof of Gross Revenues for Highest 3 Out of 4 Years. Vessel owners must be able to prove the annual gross revenues from the sale of regulated groundfish species for the highest 3 years used on the application. Documentation to support groundfish income may include, but is not limited to, individual or corporate tax returns, or fish sale receipts accompanied by vessel settlement reports. NMFS may require sworn affidavits from the reporting party regarding the accuracy of the information contained in supporting documentation. Sales of regulated groundfish which can not be substantiated Will Not Be Included in the calculation of gross revenues.

Proprietary information submitted by applicants will only be disclosed to Federal officials who are responsible for the FCRDP or otherwise when required by court order.

#### **VII. Establishment of NMFS Financial Services Division Award Terms**

Representatives from the NMFS Financial Services Division will establish the specific terms of each grant award for accepted applications validated during the investigation process. These terms will be binding on the applicants and will control the applicant's post award rights and obligations. Terms of the award will address such matters as how the outstanding liens on the vessels will be satisfied and how the vessel covered in the application will be scrapped. At their own expense, applicants will be required to retain closing attorneys to represent their interests. To the extent necessary, closing attorneys will be required to pay grant funds to vessel lienors in return for lien releases. Should vessel liens exceed the amount of the FCRDP award, attorneys must obtain funds from applicants and exchange them for lien releases.

#### **VIII. Grant Award Closing Procedures**

After the Assistant Administrator for Fisheries, NOAA, and the NOAA Grants Management Division have reviewed and approved the terms of accepted and validated applications, then applicants will be notified in writing of the grant award and a closing date will be set. Applicants will be required to have an attorney present at the closing. Seventy-five percent of the grant award will be available at the closing. The remaining 25 percent will be available only when applicants have made arrangements for vessel scrapping and other prescraping dispositions acceptable to NMFS. If these arrangements have been made by the time of closing, 100 percent of the grant funds may be available at that

time. Vessel scrapping must occur promptly.

NMFS reserves the right to terminate grant award negotiations with an applicant, if in the opinion of NMFS there are material adverse changes in an applicant's ability to meet the terms and conditions of a FCRDP grant agreement.

#### **IX. Administrative Requirements**

##### **A. Primary Applicant Certification**

Applicants whose applications are selected for funding will be required to submit a completed Standard Form 424B, "Assurances—Non-Construction Programs" and Form CD-511, "Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

1. *Nonprocurement debarment and suspension.* Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

2. *Drug-free workplace.* Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

3. *Anti-lobbying.* Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

4. *Anti-lobbying disclosure.* Any applicant who has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

5. *Lower tier certifications.* Applicants shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of

Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to the Department. SF-LLL submitted by any tier recipient or subrecipient should be submitted to the Department in accordance with the instructions contained in the award document.

##### **B. Other Requirements**

1. *Federal policies and procedures.* FCRDP grant recipients and subrecipients are subject to all Federal laws and Federal and Department policies, regulations, and procedures applicable to Federal financial assistance awards.

2. *Name check review.* Applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the recipient have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the recipient's management, honesty, or financial integrity. A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

3. *Financial management certification/preaward accounting survey.* Applicants at the discretion of the NOAA Grants Officer, may be required to have their financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable Office of Management and Budget (OMB) Circulars prior to execution of the award. Any first-time applicant for Federal grant funds may be subject to a pre-award accounting survey by the Department prior to execution of the award.

4. *Past performance.* Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

5. *Delinquent Federal debts.* No award of Federal funds shall be made to an applicant or to its subrecipients who have an outstanding delinquent Federal debt or fine until either:

a. The delinquent account is paid in full,

b. A negotiated repayment schedule is established and at least one payment is received, or

c. Other arrangements satisfactory to the Department are made.

6. *Buy American-made equipment or products.* Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding under this program.

7. *Pre-award activities.* If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of the Department to cover pre-award costs.

#### Classification

This action has been determined to be not significant for purposes of E.O. 12866.

Applications under this program are subject to E.O. 12372, "Intergovernmental Review of Federal Programs."

This notice contains a collection-of-information requirement subject to the Paperwork Reduction Act. The collection of this information has been approved by OMB (OMB control number 0648-0289). Public reporting burden for preparation of the grant application is estimated to be 1 hour per response including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. An additional 15 hour reporting burden is estimated for those applicants who are accepted by NMFS including time for documenting the income claims on their applications, how outstanding liens on their vessels will be satisfied, and how the vessels will be scrapped.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Richard Roberts, NOAA/IRMS, 6010 Executive Blvd., Rm. 722, WSC-5, Rockville, MD 20852; and to the Office of Information and Regulatory Affairs, OMB, Washington, D.C. 20503, Attention: NOAA Desk Officer.

**Authority:** 15 U.S.C. 713c-3(d).

Dated: June 16, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

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[I.D. 061295C]

#### Marine Mammals

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of application for a scientific research permit (P771#74).

**SUMMARY:** Notice is hereby given that Dr. Howard Braham, National Marine Mammal Laboratory, Alaska Fisheries Science Center, 7600 Sand point Way NE., Bldg. 4, BIN C15700, Seattle, WA 98115, has applied in due form for a permit to take California Sea Lions (*Zalophus californianus*), northern fur seals (*Callorhinus ursinus*) and northern elephant seals (*Mirounga angustirostris*) for purposes of scientific research.

**DATES:** Written comments or requests for a public hearing must be received on or before July 24, 1995..

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Director, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (310/980-4001).

Written data or views, or requests for a public hearing on this request, should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

**FOR FURTHER INFORMATION CONTACT:** Kellie Foster (301/713-1401).

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Regulations Governing the Taking, Importing, and Exporting of Endangered Fish and Wildlife (50 CFR part 222), the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*), and the fur seal regulations at 50 CFR part 215.

The applicant proposes to conduct four research projects which will focus on several aspects of California sea lion biology: 1) annual at-sea distribution, foraging behavior, and food habits of adult females, mother-pup activity patterns and weaning behavior. Twenty California sea lion female/pup pairs are proposed to be taken yearly by

attachment of instrumentation. Up to 6,000 California sea lions, 350 northern fur seals and 1,650 northern elephant seals are proposed to be taken yearly incidental to activities related to instrumentation and/or scat collection; 2) identification of diseases in the population and the effects of diseases on survival of individuals and weaning parameters of pups. Twenty adult females, four hundred-twenty pups and thirty juvenile California sea lions are proposed to be taken yearly for blood collection, viral and bacterial swabs, measurements and marking by lavage coloring. Ten thousand one hundred California sea lions, three hundred northern fur seals, and one thousand northern elephant seals are proposed to be taken yearly incidental to activities related to the gathering of pups; 3) assessment of vital parameters. Five hundred ninety California sea lion pups are proposed to be taken yearly by hot branding, tagging and measurements. Ninety California sea lion pups are proposed to be taken yearly by measurements and eight thousand eight hundred California sea lions, three hundred northern fur seals and three hundred northern elephant seals are proposed to be harassed yearly incidental to activities related to the gathering of pups for sampling; and 4) assessment of population trends and pup mortality. Twenty-eight thousand California sea lions, one thousand twenty-five northern fur seals and fifteen hundred northern elephant seals are proposed to be harassed yearly incidental to ground surveys to count live and collect and mark dead California sea lion pups. Research will take place on San Miguel Island, the Channel Islands and haul-out sites along the coast of central and northern California. Project duration is 5 years beginning September 1995.

Dated: June 13, 1995.

**Ann D. Terbush,**

*Chief, Permits & Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 95-15321 Filed 6-21-95; 8:45 am]

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[Docket No. 950120020-5160-03; I.D. 040695B]

RIN 0648-AG75

#### West Coast Salmon Fisheries; Northwest Emergency Assistance Program; Final Amendment

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.